

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		11/9/2016	11/30/2016
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		San Joaquin County Human Services Agency	
4. REGULATION CITE(S):		7. SUBJECT:	
CFR 273.26 (c)(6)		Tribal TANF to TCF	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)	
Tribal TANF/CF Case		NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
Tribal TANF is discontinued due to failure to complete a Tribal TANF monthly report. Is the HH eligible to receive TCF?		ACIN I-21-04, ACIN I-34-05, ACL 13-88, Food and Nutrition Act of 2008 Sec. 11(s) and 6. Title 7 CFR Sections 273.26 through 273.32.	

10. REQUESTOR'S PROPOSED ANSWER:

No, they are not eligible to TCF. Even though Tribal TANF/CF cases are eligible to TCF when Tribal TANF is discontinued per ACIN I-21-04, they are also held to the same standard of eligibility determination compliance as CW cases (ACL 13-88), despite the fact that Tribal TANF is monthly reporting instead of semi-annual. Therefore, if a Tribal TANF case fails to comply with a subsequent eligibility determination (did not complete a monthly report), they are not eligible to TCF. jJst as a CW/CF case would not be eligible to TCF if they did not complete an RE or SAR7.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

CDSS concurs with the proposed answer.

Not eligible to TCF due to the following: (1) according to ACIN I-34-05, "Tribal TANF cash assistance is derived from the TANF block grant, which is considered cash aid. Therefore, if all members of the Food Stamps (CalFresh) household receive cash aid, the household is considered categorically eligible for Food Stamps (CalFresh) benefits under Manual of Policies and Procedures (MPP) 63-301.7." (2) Title 7, Subpart H, Section 273.26(c)(6) provides lack of compliance in a subsequent eligibility determination results in ineligibility for TCF (3) section 273.26(b) is referring to the ineligible households determined by the Food and Nutrition Act of 2008. Refer to the Transitional Section 11(s) and Disqualifications in Section 6.

FOR CDSS USE

DATE RECEIVED:

12/01/2016

DATE RESPONDED TO COUNTY/ALJ:

12/01/2016sc